



Sen. Heather Steans

**Filed: 2/16/2010**

09600SB2602sam001

LRB096 16296 ASK 36711 a

1 AMENDMENT TO SENATE BILL 2602

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2602 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Structural Pest Control Act is amended by  
5 changing Sections 3.03, 3.09, 3.11, 4, 5.01, 6, 7, 9, 10.3, 13,  
6 21, 21.1, and 22 as follows:

7 (225 ILCS 235/3.03) (from Ch. 111 1/2, par. 2203.03)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 3.03. "Person" means any individual, group of  
10 individuals, association, trust, partnership, corporation,  
11 person doing business under an assumed name, the State of  
12 Illinois, or department thereof, any other state-owned and  
13 operated institution, public school, licensed day care center,  
14 or any other entity.

15 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

1 (225 ILCS 235/3.09) (from Ch. 111 1/2, par. 2203.09)

2 (Section scheduled to be repealed on December 31, 2019)

3 Sec. 3.09. "Structural Pest Control" means and includes the  
4 ~~on-site identification of an infestation in, on or under a~~  
5 ~~structure or the use of any method or device or the application~~  
6 of any substance to prevent, repel, mitigate, curb, control, or  
7 eradicate any pest in, on, ~~or~~ under, or around a structure, or  
8 within a part of, or materials used in building, a structure;  
9 the use of any pesticide, including insecticides, fungicides  
10 and other wood treatment products, attractants, repellents,  
11 rodenticides, fumigants, or mechanical devices for preventing,  
12 controlling, eradicating, identifying, mitigating,  
13 diminishing, or curbing insects, vermin, rats, mice, or other  
14 pests in, on, ~~or~~ under, or around a structure, or within a part  
15 of, or materials used in building, a structure; vault  
16 fumigation and fumigation of box cars, trucks, ships,  
17 airplanes, docks, warehouses, and common carriers or  
18 soliciting to perform any of the foregoing functions.  
19 Notwithstanding any other law, an applicator who is licensed or  
20 certified under the Illinois Pesticide Act may not engage in  
21 structural pest control as defined in this Act unless the  
22 applicator is also licensed and certified under this Act.

23 (Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08.)

24 (225 ILCS 235/3.11) (from Ch. 111 1/2, par. 2203.11)

25 (Section scheduled to be repealed on December 31, 2019)

1           Sec. 3.11. "Commercial Structural Pest Control Business"  
2 means any business in the course of which any person performs,  
3 advertises, or contracts to perform structural pest control  
4 services on property under the ownership or control of another  
5 ~~in exchange for any consideration.~~

6           (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

7           (225 ILCS 235/4) (from Ch. 111 1/2, par. 2204)

8           (Section scheduled to be repealed on December 31, 2019)

9           Sec. 4. Licensing and registration location requirements~~).~~

10           (a) It shall be unlawful for any person to engage in a  
11 commercial structural pest control business at any location in  
12 this State ~~after October 21, 1977,~~ or within Illinois from any  
13 location outside of this State, unless such person is licensed  
14 by the Department. A person shall have a separate license for  
15 each commercial structural pest control business location. ~~It~~  
16 ~~shall also be unlawful for any person to engage in a commercial~~  
17 ~~pest control business in Illinois from any location outside~~  
18 ~~this State unless such person is licensed by this Department.~~  
19 The licensee may use its state identification number in all  
20 forms of advertising.

21           (b) It shall be unlawful for any person who owns or  
22 operates a non-commercial structural pest control location to  
23 engage in non-commercial structural pest control using  
24 restricted pesticides in this State ~~after October 21, 1977,~~  
25 unless registered as a non-commercial structural pest control

1 location by the Department.

2 (c) No person shall be licensed or registered as a  
3 commercial or non-commercial structural pest control business  
4 at any location without complying with the certification  
5 requirements as prescribed in Section 5 of this Act.

6 (d) If a licensee or registrant changes its location of  
7 operation during the year of issuance, the Department shall be  
8 notified in writing of the new location within 15 days. The  
9 license or registration shall accompany the notification along  
10 with the fee as prescribed in Section 9 of this Act, be  
11 surrendered and, upon receipt, a replacement will be issued by  
12 the Department for a fee of \$10.

13 (e) All licenses and registrations issued under this Act  
14 shall expire on December 31 of the year issued, except that an  
15 original license or registration issued after October 1 and  
16 before December 31 shall expire on December 31 of the following  
17 year. A license or registration may be renewed by filing with  
18 the Department a completed renewal application form as  
19 prescribed by rule, including payment of the fee as prescribed  
20 in Section 9 of this Act, and may be postmarked no later than  
21 the December 1 preceding the date of expiration. Applications  
22 received by the Department that are postmarked after December 1  
23 up to and including December 31 shall be accompanied by the  
24 required late filing charge as prescribed in Section 9 of this  
25 Act. License or registration applications that are postmarked  
26 after December 31 will not be eligible for renewal ~~A license or~~

1 ~~registration may be renewed by making application on a form~~  
2 ~~prescribed by the Department and by paying the fee required by~~  
3 ~~this Act. Renewal applications shall be filed with the~~  
4 ~~Department prior to December 1 of each year.~~

5 (f) No license or registration shall be transferable from  
6 one person to another.

7 (g) No person shall be licensed as a commercial structural  
8 pest control business location without complying with the  
9 insurance requirements of Section 9 of this Act.

10 (Source: P.A. 83-825; reenacted by P.A. 95-786, eff. 8-7-08.)

11 (225 ILCS 235/5.01) (from Ch. 111 1/2, par. 2205.01)

12 (Section scheduled to be repealed on December 31, 2019)

13 Sec. 5.01. Reciprocity.

14 (a) Upon payment of the required fee as prescribed in  
15 Section 9 of this Act, a person who is certified or licensed as  
16 a structural pest control technician by a contiguous state or  
17 the federal government may apply for reciprocal certification  
18 without examination by the Department in those sub-categories  
19 or areas for which the applicant holds certification or  
20 licensure by the contiguous state or the federal government.

21 (b) In order to receive reciprocal certification under  
22 subsection (a) of this Section, the requirements for the  
23 certification or licensure by the contiguous state or the  
24 federal government must have been, at the date of the  
25 certification or licensure, substantially equivalent to the

1 requirements then in force in this State, as determined by the  
2 Department. ~~Upon the payment of the required fee, an applicant~~  
3 ~~who is certified in another state, may, without examination, be~~  
4 ~~granted a certificate as a certified structural pest control~~  
5 ~~technician by the Department in those sub categories for which~~  
6 ~~he has been certified by another state, provided that the~~  
7 ~~Department finds that the requirements for certification of~~  
8 ~~structural pest control technicians in that state were, at the~~  
9 ~~date of certification, substantially equal to the requirements~~  
10 ~~then in force in this State and provided that the same~~  
11 ~~privilege of certification is similarly granted by said state~~  
12 ~~to technicians certified by the State of Illinois.~~

13 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

14 (225 ILCS 235/6) (from Ch. 111 1/2, par. 2206)

15 (Section scheduled to be repealed on December 31, 2019)

16 Sec. 6. Renewal of technician certification ~~Certificate~~  
17 ~~renewal).~~

18 (a) A certified technician's certificate shall be valid for  
19 a period of 3 years expiring on December 31 of the third year,  
20 except that an original certificate issued between October 1  
21 and December 31 shall expire on December 31 of the third full  
22 calendar year following issuance ~~and must be renewed by January~~  
23 ~~1 of each third year.~~ A certificate may be renewed by  
24 application upon a form prescribed by the Department, provided  
25 that the certified technician furnishes the following:

1           (1) a renewal application filed with the Department  
2           postmarked no later than December 1 preceding the date of  
3           expiration;

4           (2) evidence attached to the renewal, or on file with  
5           the Department, of acquiring, that he has attended during  
6           the 3 year period, a minimum of 9 classroom hours, in  
7           increments of 3 hours or more, of training at Department  
8           approved pest control training seminars; and

9           (3) the required fee as prescribed in Section 9 of this  
10           Act and pays the fee required by this Act. Renewal  
11           applications shall be filed with the Department prior to  
12           December 1 preceding the date of expiration.

13           Applications received by the Department postmarked after  
14           December 1 shall be accompanied by the required late filing  
15           charge as prescribed in Section 9 of this Act.

16           (b) Certified technician's certificates are not  
17           transferable from one person to another person, and no licensee  
18           or registrant shall use the certificate of a certified  
19           technician to secure or hold a license or registration unless  
20           the holder of such certificate is actively engaged in the  
21           direction of pest control operations of the licensee or  
22           registrant.

23           (c) A certified technician who has not renewed his or her  
24           certificate for a period of not more than one year after its  
25           expiration may secure a renewal upon payment of the renewal fee  
26           and τ late filing charge and the furnishing of evidence of

1 training in accordance with item (2) of subsection (a) of this  
2 Section as may be required by the Department. If a technician  
3 has not renewed his or her certificate for a period of more  
4 than one year after its expiration, the technician ~~he~~ shall  
5 file an original application for examination, pay all required  
6 fees, which may include renewal, examination, and late filing  
7 charges, and successfully pass the examination before his or  
8 her certificate is renewed. Any individual who fails to renew a  
9 certification by the date of expiration shall not perform any  
10 pest control activities until the requirements of this Section  
11 have been met and a certificate has been issued by the  
12 Department.

13 (Source: P.A. 93-922, eff. 1-1-05; reenacted by P.A. 95-786,  
14 eff. 8-7-08.)

15 (225 ILCS 235/7) (from Ch. 111 1/2, par. 2207)

16 (Section scheduled to be repealed on December 31, 2019)

17 Sec. 7. Written examination required~~†~~. The Department  
18 shall adopt rules for any examinations required for the proper  
19 administration of this Act, including any category or  
20 sub-category examination involving the use of general or  
21 restricted use pesticides and any examination which may be  
22 required under Category 7, Industrial, Institutional,  
23 Structural, and Health Related Pest Control, or Category 8,  
24 Public Health Pest Control (excluding Mosquito Pest Control),  
25 in the rules adopted by the Department of Agriculture in

1 Section 250.120 of Title 8 of the Illinois Administrative Code.  
2 Applications for examination shall be in the form prescribed by  
3 the Department, ~~and shall be~~ accompanied by the required fee as  
4 prescribed in Section 9 of this Act, and received by the  
5 Department at least 15 days prior to an examination. The  
6 Department shall conduct written examinations at least 4 times  
7 each year and may require a practical demonstration by each  
8 applicant. The written examination shall be prepared from  
9 suggested study materials.

10 ~~All applicants shall be tested and required to attain a~~  
11 ~~passing grade on a General Standards examination which~~  
12 ~~evaluates their general knowledge of label and labeling~~  
13 ~~comprehension, safety, environment, equipment, application~~  
14 ~~techniques, laws and regulations, and pests and pesticides.~~  
15 ~~Applicants who pass the General Standards examination may also,~~  
16 ~~if qualified, be examined in any one or more of the other~~  
17 ~~sub categories in which they desire to use restricted~~  
18 ~~pesticides:~~

19 ~~(a) Insects (excluding termites and other wood destroying~~  
20 ~~organisms), rodents and other pests including those pests in~~  
21 ~~food manufacturing, food processing, food storage and grain~~  
22 ~~handling;~~

23 ~~(b) Termites and other wood destroying organisms;~~

24 ~~(c) Bird control;~~

25 ~~(d) Fumigation;~~

26 ~~(e) Food manufacturing, food processing and food storage~~

1 ~~facilities;~~

2 ~~(f) Institutional and multi-unit residential housing pest~~  
3 ~~control;~~

4 ~~(g) Public health pest control; and~~

5 ~~(h) Wood products pest control, which includes the~~  
6 ~~application of restricted use wood treatment pesticides by~~  
7 ~~individuals working for commercial wood treatment companies or~~  
8 ~~non-commercial wood treatment plants using pressure, as well as~~  
9 ~~nonpressure, treatment methods to control or prevent wood~~  
10 ~~degradation by wood destroying organisms which include but are~~  
11 ~~not limited to insects, and by fungi or bacteria which cause~~  
12 ~~surface molding, surface staining, sap staining, brown rot,~~  
13 ~~white rot and soft rot.~~

14 ~~An applicant who is examined and certified in~~  
15 ~~sub categories (a), (b), (c), (d) and (h) shall be qualified to~~  
16 ~~use restricted pesticides in performing structural pest~~  
17 ~~control activities in commercial and non-commercial structural~~  
18 ~~pest control in those sub categories in which he has been~~  
19 ~~certified.~~

20 ~~An applicant who is examined and certified in~~  
21 ~~sub categories (e), (f), or (g) shall be permitted to apply~~  
22 ~~restricted pesticides only to structures of the non-commercial~~  
23 ~~structural pest control registrant of which he is an employee.~~

24 (Source: P.A. 85-227; reenacted by P.A. 95-786, eff. 8-7-08.)

1 (Section scheduled to be repealed on December 31, 2019)

2 Sec. 9. Fees and required insurance.

3 (a) The fees required by this Act are as follows:

4 (1) The fee for an original commercial structural pest  
5 control business license is \$250; and the fee for the  
6 renewal of that license is \$150.

7 (2) The fee for an original non-commercial structural  
8 pest control business registration is \$200; and the fee for  
9 the renewal of that registration is \$125.

10 (3) The fee for an application for examination as a  
11 certified technician, including an original certificate,  
12 is \$75; and the fee for the renewal of that certification  
13 is \$75.

14 (4) The fee for an application for examination in  
15 sub-categories not previously examined or for  
16 reexamination as a certified technician in areas  
17 previously failed is \$50.

18 (5) The fee for the replacement of a license,  
19 registration, or certification is \$25.

20 (6) The late filing charge for any license,  
21 registration, or certification is \$75.

22 (7) The fee for multiple copies of this Act and  
23 regulations or for any category or sub-category specific  
24 training materials is \$5 per copy.

25 ~~(a) For an original license and each renewal — \$100.~~

26 ~~(b) For an original registration and each renewal —~~

1       ~~\$50.~~

2           ~~(c) For each certificate renewal — \$40.~~

3           ~~(d) For an application for examination including an~~  
4       ~~original certificate — \$40.~~

5           ~~(e) Any person who fails to file a renewal application~~  
6       ~~by the date of expiration of a license, certification or~~  
7       ~~registration shall be assessed a late filing charge of \$75.~~

8           ~~(f) For duplicate copies of certificates, licenses or~~  
9       ~~registrations — \$10.~~

10       All fees shall be paid by check or money order. Any fee  
11       required by this Act is not refundable in the event that the  
12       original application or application for renewal is denied.

13       (b) Every application for an original commercial  
14       structural pest control business location license shall be  
15       accompanied by a certificate of insurance issued by an  
16       insurance company authorized to do business in the State of  
17       Illinois or by a risk retention or purchasing group formed  
18       pursuant to the federal Liability Risk Retention Act of 1986,  
19       which provides primary, first dollar public liability coverage  
20       of the applicant or licensee for personal injuries for not less  
21       than \$100,000 per person, or \$300,000 per occurrence, and, in  
22       addition, for not less than \$50,000 per occurrence for property  
23       damage, resulting from structural pest control. The insurance  
24       policy shall be in effect at all times during the license year  
25       and a new certificate of insurance shall be filed with the  
26       Department within 30 days after the renewal of the insurance

1 policy. Each application for renewal of a commercial structural  
2 pest control location license shall also include a certificate  
3 of insurance as detailed above unless a valid certificate of  
4 insurance is already on file with the Department. Applicants  
5 for registration or registration renewal shall not be required  
6 to provide evidence of public liability insurance coverage.

7 All administrative civil fines and fees collected pursuant  
8 to this Act shall be deposited into the Pesticide Control Fund  
9 established pursuant to the Illinois Pesticide Act. The amount  
10 annually collected as administrative civil fines and fees shall  
11 be appropriated by the General Assembly to the Department for  
12 the purposes of conducting a public education program on the  
13 proper use of pesticides and for other activities related to  
14 enforcement of this Act and the Illinois Pesticide Act.

15 (Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

16 (225 ILCS 235/10.3)

17 (Section scheduled to be repealed on December 31, 2019)

18 Sec. 10.3. Notification. School districts and day care  
19 centers must maintain a registry of parents and guardians of  
20 students and employees who have registered to receive written  
21 or telephonic notification prior to application of pesticides  
22 to school property or day care centers or provide written or  
23 telephonic notification to all parents and guardians of  
24 students before such pesticide application. Written  
25 notification may be included in newsletters, bulletins,

1 calendars, or other correspondence currently published by the  
2 school district or day care center. The written or telephonic  
3 notification must be given at least 2 business days before  
4 application of the pesticide application and should identify  
5 the intended date of the application of the pesticide and the  
6 name and telephone contact number for the school or day care  
7 center personnel responsible for the pesticide application  
8 program. Prior ~~written~~ notice shall not be required if there is  
9 an imminent threat to health or property. If such a situation  
10 arises, the appropriate school or day care center personnel  
11 must sign a statement describing the circumstances that gave  
12 rise to the health threat and ensure that written or telephonic  
13 notice is provided as soon as practicable. For purposes of this  
14 Section, pesticides subject to notification requirements shall  
15 not include (i) an antimicrobial agent, such as disinfectant,  
16 sanitizer, or deodorizer, or (ii) insecticide baits and  
17 rodenticide baits.

18 (Source: P.A. 93-381, eff. 7-1-04; reenacted by P.A. 95-786,  
19 eff. 8-7-08.)

20 (225 ILCS 235/13) (from Ch. 111 1/2, par. 2213)

21 (Section scheduled to be repealed on December 31, 2019)

22 Sec. 13. Violations of the Act. It is a violation of this  
23 Act and the Department may suspend, revoke, or refuse to issue  
24 or renew any certificate, registration, or license, in  
25 accordance with Section 14 of this Act, upon proof of any of

1 the following:

2 (a) Violation of this Act or any rule or regulation  
3 promulgated hereunder.

4 (b) Conviction of a certified technician, registrant, or  
5 licensee of a violation of any provision of this Act or of pest  
6 control laws in any other state, or any other laws or rules and  
7 regulations adopted thereto relating to pesticides.

8 (c) Knowingly making false or fraudulent claims,  
9 misrepresenting the effects of materials or methods or failing  
10 to use methods or materials suitable for structural pest  
11 control.

12 (d) Performing structural pest control in a careless or  
13 negligent manner so as to be detrimental to health.

14 (e) Failure to supply within a reasonable time, upon  
15 request from the Department or its authorized representative,  
16 true information regarding methods and materials used, work  
17 performed, or other information essential to the  
18 administration of this Act.

19 (f) Fraudulent advertising or solicitations relating to  
20 structural pest control.

21 (g) Aiding or abetting a person to evade any provision of  
22 this Act, conspiring with any person to evade provisions of  
23 this Act or allowing a license, permit, certification, or  
24 registration to be used by another person.

25 (h) Impersonating any federal, state, county, or city  
26 official.

1 (i) Performing structural pest control, utilizing, or  
2 authorizing the use or sale of, pesticides which are in  
3 violation of the FIFRA, or the Illinois Pesticide Act.

4 (j) Failing to comply with a written Department notice or  
5 lawful order of the Director.

6 (Source: P.A. 85-177; reenacted by P.A. 95-786, eff. 8-7-08.)

7 (225 ILCS 235/21) (from Ch. 111 1/2, par. 2221)

8 (Section scheduled to be repealed on December 31, 2019)

9 Sec. 21. Penalty~~s~~. Any person who violates this Act or any  
10 rule or regulation adopted by the Department, or who violates  
11 any determination or order of the Department under this Act  
12 shall be guilty of a Class A misdemeanor and shall be fined a  
13 sum of not more less than \$2,500, serve a jail term of up to 1  
14 day less than 1 year in jail, or both \$100.

15 Each day's violation constitutes a separate offense. The  
16 State's Attorney of the county in which the violation occurred  
17 or the Attorney General shall bring such actions in the name of  
18 the people of the State of Illinois.

19 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

20 (225 ILCS 235/21.1) (from Ch. 111 1/2, par. 2221.1)

21 (Section scheduled to be repealed on December 31, 2019)

22 Sec. 21.1. Administrative Civil Fines. The Department is  
23 empowered to assess administrative civil fines in accordance  
24 with Section 15 of this Act against a licensee, registrant ~~or~~

1 certified technician, person, public school, licensed day care  
2 center, or other entity for violations of this Act or its rules  
3 and regulations. These fines shall be established by the  
4 Department by rule and may be assessed in addition to, or in  
5 lieu of, license, registration, or certification suspensions  
6 and revocations. ~~Rules to implement this Section shall be~~  
7 ~~proposed by the Department by January 1, 1993.~~

8 ~~The amount of these fines shall be determined by the~~  
9 ~~hearing officer upon determination that a violation or~~  
10 ~~violations of the Act or rules has occurred.~~ Any fine assessed  
11 and not paid within 60 days after receiving ~~of~~ notice from the  
12 Department may be submitted to the Attorney General's Office,  
13 or any other public or private agency, for collection of the  
14 amounts owed plus any fees and costs incurred during the  
15 collection process. Failure to pay a fine shall also be grounds  
16 for immediate suspension or revocation of a license,  
17 registration, or certification issued under this Act.

18 (Source: P.A. 87-703; reenacted by P.A. 95-786, eff. 8-7-08.)

19 (225 ILCS 235/22) (from Ch. 111 1/2, par. 2222)

20 (Section scheduled to be repealed on December 31, 2019)

21 Sec. 22. Scope of Act~~†~~. The provisions of this Act apply to  
22 any structural pest control operations performed by the State  
23 or agency thereof. However, the Department of Public Health  
24 ~~State or agency thereof~~ or any local health department unit of  
25 ~~local government~~ shall not be required to pay any fees, nor

1 shall the employees thereof engaged in pest control activities  
2 in their official capacity be required to pay any fees for  
3 examination, certification, or renewal of certification ~~in the~~  
4 ~~sub-categories of either (f) or (g) specified in Section 7 of~~  
5 ~~this Act.~~

6 This Act does not apply to any person certified by the  
7 Illinois Department of Agriculture to use restricted  
8 pesticides in structures on his own individual property.

9 (Source: P.A. 82-725; reenacted by P.A. 95-786, eff. 8-7-08.)

10 (225 ILCS 235/5.02 rep.)

11 Section 10. The Structural Pest Control Act is amended by  
12 repealing Section 5.02.

13 Section 99. Effective date. This Act takes effect upon  
14 becoming law."